

Appl. No. : 10/676,543
Filed : October 1, 2003

REMARKS

The foregoing amendments and the following remarks are responsive to the August 17, 2006 Office Action. Claims 1, 6, 7, 13, 21, 27, 34, 39, and 40 remain as previously presented, Claims 2-3, 5, 8-12, 14-18, 22-26, and 35-38 remain as originally filed, and Claims 4, 19, 20, and 28-33 are cancelled without prejudice. Thus, Claims 1-3, 5-18, 21-27, and 34-40 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Comments on Allowed Subject Matter

Applicants thank the Examiner for allowing Claims 1-3, 5-18, 21-27 and 34-40 in the August 17, 2006 Office Action. Applicants submit that the amendments described herein place the application in condition for allowance, and Applicants respectfully request such action.

Response to Rejection of Claims 28 and 30-33 Under 35 USC 102(b)

In the August 17, 2006 Final Office Action, the Examiner rejected Claims 28 and 30-33 under 35 U.S.C. § 102(b) as being anticipated by Hall, et al., “High-stability Er³⁺-doped Superfluorscent Fiber Sources” (“Hall”).

As discussed in the prior office action response and explained in the “Declaration of Michel J.F. Digonnet Pursuant to 37 C.F.R. § 1.132,” Applicants submit that Hall does not disclose all the limitations recited by Claim 28. For example, Applicants submit that Hall does not disclose “a mean wavelength which is stable to within approximately ±0.5 part per million over a period of time of at least one hour,” as recited by Claim 28. Furthermore, each of Claims 30 and 31 depends from Claim 28, Claim 32 depends from Claim 31 and Claim 33 depends from Claim 32, so each of Claims 30-33 are also patentable over Hall.

However, in the interest of expediting prosecution, Applicants have cancelled Claims 28 and 30-33 without prejudice, reserving the right to prosecute these claims in a continuation application.

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Response to Rejection of Claim 29 Under 35 USC 103(a)

In the August 17, 2006 Final Office Action, the Examiner rejected Claim 29 under 35 U.S.C. § 103(a) as unpatentable over Hall. As discussed above, Applicants submit that Claim 28 is patentably distinguishable over Hall. Claim 29 depends directly from Claim 28. Therefore, Applicants submit that Claim 29 is patentable over Hall. However, in the interest of expediting prosecution, Applicants have cancelled Claim 29 without prejudice, reserving the right to prosecute this claim in a continuation application.

CONCLUSION

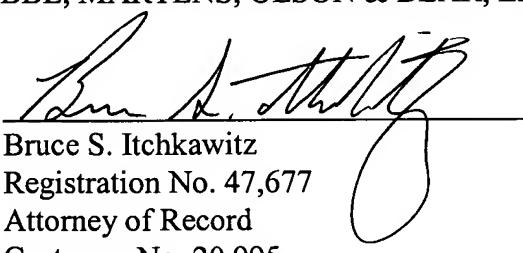
In view of the foregoing amendments and remarks, Applicants submit that Claims 1-3, 5-18, 21-27, and 34-40 are in condition for allowance and Applicants respectfully request such action. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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